

**DECISION  
AND  
FINDING OF NO SIGNIFICANT IMPACT**

**for  
REDUCING ROCK DOVE (FERAL PIGEON), EUROPEAN STARLING, AND HOUSE  
SPARROW DAMAGE THROUGH AN INTEGRATED WILDLIFE DAMAGE MANAGEMENT  
PROGRAM IN THE COMMONWEALTH OF MASSACHUSETTS**

**I. INTRODUCTION**

The U.S. Department of Agriculture (USDA), Animal and Plant Health Inspection Service (APHIS), Wildlife Services (WS) program responds to requests for assistance from individuals, organizations and agencies experiencing damage caused by wildlife. Ordinarily, according to APHIS procedures implementing the National Environmental Policy Act (NEPA), individual wildlife damage management actions may be categorically excluded (7 CFR 372.5(c), 60 Fed. Reg. 6000-6003, 1995). To evaluate and determine if any potentially significant impacts to the human environment from WS' planned and proposed program to manage rock dove (pigeon), European starling, and house sparrow damage in Massachusetts, an environmental assessment (EA) was prepared. The EA documents the need for pigeon, starling, and house sparrow damage management in Massachusetts and assesses potential impacts of various alternatives for responding to damage problems. The EA analyzes the potential environmental and social effects for resolving bird damage to agriculture, property, and natural resources, along with the protection of human health and safety, on private and public lands throughout the Commonwealth. WS' proposed action is to implement an Integrated Wildlife Damage Management (IWDM) program on public and private lands in Massachusetts. During the public involvement process, interested persons were afforded the opportunity to provide comment for consideration in developing the pre-decisional EA and in developing this decision.

The EA was prepared to: 1) facilitate planning and interagency coordination, 2) streamline program management, and 3) clearly communicate to the public the analysis of cumulative impacts. The EA ensures WS' actions comply with NEPA, with the Council on Environmental Quality (40 CFR 1500), and with APHIS NEPA implementing regulations (7 CFR 372). All bird damage management activities, including disposal requirements, are conducted consistent with: 1) the Migratory Bird Treaty Act, 2) the Endangered Species Act of 1973, including consultation with the U.S. Fish and Wildlife Service (USFWS), 3) Executive Order (EO) 13186<sup>1</sup>, EO 12898<sup>2</sup>, and EO 13045<sup>3</sup>, 4) the Federal Insecticide, Fungicide, and Rodenticide Act, 5) Federal, State and local laws, regulations and policies.

**II. AGENCY AUTHORITIES**

WS is the Federal program authorized by law to reduce damage caused by wildlife (Act of 1931, as amended (46 Stat. 1486; 7 U.S.C. 426-426c) and the Rural Development, Agriculture, and Related Agencies Appropriations Act of 1988, Public Law 100-102, Dec. 27, 1987. Stat. 1329-1331 (7 U.S.C. 426c), and the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act of 2001, Public Law 106-387, October 28, 2000. Stat. 1549 (Sec 767). The Wildlife

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<sup>1</sup> Executive Order 13186 directs federal agencies to protect migratory birds and strengthen migratory bird conservation by identifying and implementing strategies that promote conservation and minimize the take of migratory birds through enhanced collaboration between WS and the USFWS, in coordination with state, tribal, and local governments. A National-level MOU between the USFWS and WS is being developed to facilitate the implementation of Executive Order 13186.

<sup>2</sup> Executive Order 12898 promotes the fair treatment of people of all races, income levels and cultures with respect to the development, implementation and enforcement of environmental laws, regulations and policies.

<sup>3</sup> Executive Order 13045 ensures the protection of children from environmental health and safety risks since children may suffer disproportionately from those risks.

Society (1992) defined wildlife damage management as the alleviation of damage or other problems caused by or related to the presence of wildlife and was recognized as an integral part of wildlife management. WS uses an IWDM approach in which a combination of methods may be used or recommended to reduce damage (WS Directive 2.105). Wildlife damage management conducted using WS' Decision Model is not based on punishing offending animals but as one means of reducing damage (Slate et al. 1992, USDA 1997, WS Directive 2.201). Resource management agencies, organizations, associations, groups, and individuals have requested WS to conduct bird damage management (BDM) to protect resources and human health and safety in Massachusetts.

### **III. MAJOR ISSUES**

The following issues were identified as important to the scope of the analysis (40 CFR 1508.25).

- Effects on target bird species
- Effects on other wildlife species, including T&E species
- Effects on human health and safety
- Impacts to stakeholders, including aesthetics
- Humaneness and animal welfare concerns of methods used

The EA describes, in more detail, the alternatives considered and evaluated using the identified issues.

### **IV. ALTERNATIVES THAT WERE FULLY EVALUATED**

The following four alternatives were developed to respond to the issues. Three additional alternatives were considered but not analyzed in detail. Detailed discussions of the effects of the Alternatives on the issues are described in the EA; below is a summary of the Alternatives.

#### **Alternative 1. Technical Assistance Only**

This alternative would not allow for WS to conduct direct operational BDM in Massachusetts. WS would only provide technical assistance through the dissemination of leaflets, presentations, demonstrations, and technical recommendations to manage bird damage when requested. Producers, property owners, agency personnel, or others could still conduct BDM using any legal lethal or non-lethal method available for use. The use of chemicals by others would be limited to the use of repellents and Avitrol. Avitrol is a restricted-use pesticide that can only be used by applicators certified by the state. DRC-1339 and alpha-chloralose are only available for use by WS employees.

#### **Alternative 2. Integrated Bird Damage Management Program (Proposed Action/No Action)**

WS proposes to continue the current bird damage management program that responds to pigeon, European starling, and house sparrow damage requests in the Commonwealth of Massachusetts. An IWDM approach would be implemented to reduce damage activities to property, agricultural resources, livestock, and public health and safety. Damage management would be conducted on public and private property in Massachusetts when the resource owner (property owner) or manager requests assistance. An IWDM strategy would be recommended and used, encompassing the use of practical and effective methods of preventing or reducing damage while minimizing harmful effects of damage management measures on humans, target and non-target species, and the environment. Under this action, WS could provide technical assistance and direct operational damage management, including non-lethal and lethal management methods by applying the WS Decision Model (Slate et al. 1992). When appropriate, physical exclusion, habitat modification, or harassment would be recommended and utilized to reduce

damage. In other situations, birds would be removed as humanely as possible using: shooting, trapping, egg addling/destruction, nest destruction, and registered pesticides. In determining the damage management strategy, preference would be given to practical and effective non-lethal methods. However, non-lethal methods may not always be applied as a first response to each damage problem. The most appropriate response could often be a combination of non-lethal and lethal methods, or could include instances where application of lethal methods alone would be the most appropriate strategy. Bird damage management activities would be conducted in the Commonwealth, when requested and funded, on private or public property, including airport facilities and adjacent or nearby properties, after an *Agreement for Control* or other comparable document has been completed. All management activities would comply with appropriate Federal, State, and Local laws.

### **Alternative 3. Non-lethal Bird Damage Management Only by WS**

This alternative would require WS to use non-lethal methods only to resolve bird damage problems. Requests for information regarding lethal management approaches would be referred to Massachusetts Division of Fish and Wildlife (MDFW), USFWS, USDA Agricultural Extension Service offices, local animal control agencies, or private businesses or organizations. Individuals might choose to implement WS non-lethal recommendations, implement lethal methods legally available to private individuals, or use other methods not recommended by WS. Individuals experiencing bird damage could contract for WS direct control services, use contractual services of private businesses, or take no action. Persons receiving WS' non-lethal technical and direct control assistance could still resort to lethal methods that were available to them. Currently, DRC-1339 and alpha-chloralose are only available for use by WS employees. Repellents could still be used along with Avitrol, which is a restricted-use pesticide.

### **Alternative 4. No Federal WS Bird Damage Management**

This alternative would eliminate federal involvement in BDM in Massachusetts. WS would not provide direct operational or technical assistance and requesters of WS' assistance would have to conduct their own BDM without WS input. Requests for information would be referred to MDFW, USFWS, USDA Agricultural Extension Service offices, local animal control agencies, or private businesses or organizations. Individuals might choose to conduct BDM themselves, use contractual services of private businesses, or take no action. DRC-1339 and alpha-chloralose are only available for use by WS employees. Therefore, use of these chemicals by private individuals would be illegal. The only chemicals available for use under this alternative would be repellents and Avitrol.

## **V. ALTERNATIVE CONSIDERED BUT NOT ANALYZED IN DETAIL**

The Alternatives considered but not analyzed in detail are summarized below. A more detailed description and consideration is provided in the EA.

### **Lethal Bird Damage Management Only By WS**

Under this alternative, WS would not conduct any non-lethal control of birds for BDM purposes in the State, but would only conduct lethal BDM. This alternative was eliminated from further analysis because some bird damage problems can be resolved effectively through non-lethal means. Additionally, lethal methods may not always be available for use due to safety concerns or local ordinances prohibiting the use of some lethal methods, such as the discharge of firearms. For example, a number of damage problems involving undesirable birds entering into buildings can be resolved by installing barriers or repairing of structural damage to the buildings, thus excluding the birds. Further, damage situations such as large flocks of birds on/near airport runways could not be removed immediately by lethal means, while

scaring them away through various harassment devices might resolve the threat to passenger safety immediately.

### **Compensation for Bird Damage Losses**

The compensation alternative would require the establishment of a system to reimburse persons impacted by bird damage. This alternative was eliminated from further analysis because no federal or state laws currently exist to authorize such action. Under such an alternative, WS would not provide any direct control or technical assistance. Aside from lack of legal authority, analysis of this alternative in the ADC Final EIS indicated that the concept has many drawbacks (USDA 1997).

Compensation requires large expenditures of money, even when compensation is less than full market value when the cost of labor to investigate and validate all damage claims is included. Not all damage situations can be conclusively verified, such as irrefutably attributing disease outbreaks to the presence of birds, even though the birds are a likely cause. There would be little incentive for resource owners or managers to limit damage through tolerance or by implementing damage management methodologies. Compensation would not be practical for reducing threats to human health and safety.

### **Use of Bird-proof Feeders in Lieu of Lethal Control at Dairies and Cattle Feeding Facilities**

Bird-proof cattle feeders are often a proposed alternative provided by the public and organizations with an interest in wildlife damage management as a method for excluding birds at dairies and cattle feeding facilities. Designs proposed either do not effectively exclude birds from entering the trough or interfere with the delivery of feed to the trough which increases feed waste (Twedt and Glahn 1982).

Exclusion methods to prevent birds from feeding on and contaminating feed at livestock operations are usually the least cost-effective solution (Twedt and Glahn 1982, Feare 1984). Despite the limitations of the bird-proof feeder system proposed by some members of the public and organizations, similar types of systems could be recommended by WS under the proposed program should any become available that are effective, practical, and economically feasible for producers to implement.

## **VI. AFFECTED ENVIRONMENT**

The proposed action could be conducted on private, federal, state, tribal, county, and municipal lands in Massachusetts to protect resources and public health and safety from pigeon, European starling, and house sparrow related damage and conflicts. Areas of the proposed action could include, but are not necessarily limited to areas in and around buildings and parks, bridges, industrial sites, urban/suburban woodlots, feedlots or at any other sites where birds may roost, loaf, or nest. Damage management activities could be conducted at agricultural fields, vineyards, orchards, farmyards, dairies, ranches, livestock operations, grain mills, and grain handling areas (e.g., railroad yards) where birds destroy crops, feed on spilled grains, or contaminate food products for human or livestock consumption. Additionally, the area of the proposed action could include airports and surrounding property where birds represent a threat to aviation safety.

## **VII. PUBLIC INVOLVMENT AND COMMENTS**

The pre-decisional EA was prepared and released to the public for a 30-day comment period (November 8, 2006 – December 7, 2006) by a legal notice published for 3 days in the *Boston Herald* newspaper (November 8, 2006 – November 10, 2006). WS did not receive requests for the document and did not receive comments during the 30-day comment period for the pre-decisional EA. A copy of the pre-

decisional EA was provided to the MDFW and the MDAR prior to the initiation of the public involvement period. Comments provided by the MDAR were minor changes that enhanced the understanding of the proposed program, but did not change the analysis provided in the pre-decisional EA. All legal notices, comments, and documentation are maintained in the administrative file located at the Wildlife Services State Office in Amherst, MA.

## **VIII. MONITORING**

The Massachusetts WS program will annually review its impacts on pigeons, European starlings, and house sparrows to ensure that WS program activities do not impact the viability of target and non-target wildlife species. In addition, the EA will be reviewed each year to ensure that it and the analysis are sufficient.

## **IX. DECISION RATIONALE**

The analyses in the EA demonstrates that Alternative 2 (Proposed Action/No Action Alternative): 1) best addresses the issues identified in the EA, 2) provides safeguards for public health and safety, 3) provides WS the best opportunity to reduce damage while providing low impacts on non-target species, 4) balances the economic effects to agricultural resources and property, and 5) allows WS to meet its obligations to government agencies or other entities.

The rationale for this decision is based on several considerations. This decision takes into account public comments, social/political and economic concerns, public health and safety and the best available science. The foremost considerations are that: 1) bird damage management will only be conducted by WS at the request of landowners/managers, 2) management actions are consistent with applicable laws, regulations, policies and orders, and 3) no adverse impacts to the environment were identified in the analysis. As a part of this Decision, the Massachusetts WS program will continue to provide effective and practical technical assistance and direct management techniques that reduce damage.

## **FINDING OF NO SIGNIFICANT IMPACT**

Based on the analyses provided in the EA, there are no indications that WS' bird damage management activities in Massachusetts will have a significant impact, individually or cumulatively, on the quality of the human environment as a result of the proposed action. I agree with this conclusion and therefore, find that an Environmental Impact Statement should not be prepared. This determination is based on the following factors:

1. Bird damage management, as conducted by WS in Massachusetts, is not regional or national in scope.
2. WS' bird damage management as outlined in the proposed action would pose minimal risk to public health and safety, including children. WS' activities do not uniquely pose public human health and safety risks to the peoples of any race, income level, or cultures. No injuries to any member of the public are known to have resulted from these activities in the analysis area. WS methods were determined to be low in a formal risk assessment (USDA 1997, Appendix P).
3. There are no unique characteristics such as park lands, prime farm lands, wetlands, wild and scenic areas, or ecologically critical areas that would be significantly affected. Built-in mitigation measures that are part of WS's standard operating procedures and adherence to laws and regulations will further ensure that WS activities do not harm the environment.

4. The effects on the quality of the human environment are not highly controversial. Although there is some opposition to wildlife damage management, this action is not highly controversial in terms of size, nature, or effect.
5. Based on the analysis documented in the EA and the accompanying administrative file, the effects of the proposed damage management program on the human environment would not be significant. The effects of the proposed activities are not highly uncertain and do not involve unique or unknown risks.
6. The proposed action would not establish a precedent for any future action with significant effects.
7. No significant cumulative effects were identified through this assessment. The EA discussed cumulative effects of WS bird damage management on target and non-target species populations and concluded that such impacts were not significant for this or other anticipated actions to be implemented or planned within the Commonwealth.
8. The proposed activities would not affect districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places, nor would they likely cause any loss or destruction of significant scientific, cultural, or historical resources.
9. WS has determined that the proposed program would not adversely affect any Federal or Commonwealth of Massachusetts' listed threatened or endangered species. This determination is based on the conclusions made by the USFWS during their 1992 programmatic consultation of WS activities and subsequent Biological Opinion (BO) (USDA 1997, Appendix F). In addition, WS has determined that the use of BDM methods will have no effect on those T&E species not included in the 1992 BO or their critical habitats. Furthermore, WS has determined that the use of Alpha-chloralose and lasers will have no effect on any listed T&E species. The USFWS concurs with WS determination of a not likely to adversely affect any federally listed T&E species (A. Tur, USFWS; 20 Oct 2006).
10. The proposed action would be in compliance with all federal, state, and local laws.

### **DECISION**

I have carefully reviewed the EA prepared for this proposal and the input from the public involvement process. I find the proposed program to be environmentally acceptable, addressing the issues and needs while balancing the environmental concerns of management agencies, landowners, advocacy groups, and the public. The analyses in the EA adequately addresses the identified issues which reasonably confirm that no significant impact, individually or cumulatively, to wildlife populations or the quality of the human environment are likely to occur from the proposed action, nor does the proposed action constitute a major Federal action. Therefore, the analysis in the EA remains valid and does not warrant the completion of an Environmental Impact Statement. Based on the EA, the issues identified are best addressed by selecting Alternative 2 - Integrated Bird Damage Management Program (Proposed Action/No Action) and applying the associated mitigation measures discussed in Chapter 3 of the EA. Alternative 2 successfully addresses (1) bird damage management using a combination of the most effective methods and does not adversely impact the environment, property, and/or non-target species, including T/E species (2) it offers the greatest chance at maximizing effectiveness and benefits to resource owners and managers while minimizing cumulative impacts on the quality of the human environment that might result from the program's effect on target and non-target species populations; (3)

it presents the greatest chance of maximizing net benefits while minimizing adverse impacts to public health and safety; and (4) it offers a balanced approach to the issues of humaneness and aesthetics when all facets of these issues are considered. Further analysis would be triggered if changes occur that broaden the scope of bird damage management activities, that affect the natural or human environment, or from the issuance of new environmental regulations. Therefore, it is my decision to implement the proposed action (Alternative 2) as described in the EA.

Copies of the EA are available upon request from the Wildlife Services Office, 463 West Street, Amherst, MA 01002.



Charles S. Brown, Regional Director  
APHIS-WS Eastern Region

3/2/07  
Date

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